

FILED

UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

[Signature] APR 27 2021
MITCHELL R. ELFERS
CLERK OF COURT

Plaintiff,

v.

No. CR 16-0580-002 RB

MIGUEL ANGEL RODRIGUEZ-FLORES,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Mr. Rodriguez-Flores's Supplemental Motion for Compassionate Release, filed on April 5, 2021. (Doc. 226.) Mr. Rodriguez-Flores seeks compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) due to his serious health conditions and the threat of COVID-19. (*See id.* at 1.) The Government agrees that Mr. Rodriguez-Flores has "fully exhausted all administrative rights to appeal" the Bureau of Prison's (BOP) denial of his request for compassionate release. (*See* Doc. 228 at 6.) *See also* 18 U.S.C. § 3582(c)(1)(A). It asked the Court to deny his motion, however, because the "BOP has approved [him] for home confinement . . . with an anticipated placement in late April." (*Id.* at 1, 4.) Mr. Rodriguez-Flores urged the Court to grant his motion rather than wait on the BOP process. (*See* Doc. 229.)

After this matter was fully briefed, the Government filed a supplemental notice to alert the Court that "Mr. Rodriguez-Flores's anticipated transfer to home confinement has been adjusted to a date within the first two weeks of May 2021 to accommodate a required post-contact quarantine period after he recently had contact with a person who later tested positive for COVID-19." (*See* Doc. 230.) As Mr. Rodriguez-Flores's release to home confinement is imminent, and because this Court would also require a 14-day quarantine period followed by a negative COVID-19 test had it

granted his motion for compassionate release, the Court finds it unnecessary to intervene at this time. The Court will deny the motion as moot. Mr. Rodriguez-Flores may file a motion to reconsider if the circumstances change.

THEREFORE,

IT IS ORDERED that Mr. Rodriguez-Flores's Supplemental Motion for Compassionate Release (Doc. 226) is **DENIED AS MOOT**.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE